

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MICROLINC, LLC,

Plaintiff,

v.

Civil Action No. 2:07-cv-488-MHS

INTEL CORPORATION, *et al.*,

Defendants.

AGREED MOTION TO ENTER AND VOLUNTARY STIPULATION OF DISMISSAL

Plaintiff Microlinc, LLC (“Microlinc”) admits that, based on its present understanding of the accused instrumentalities of Defendant Intel Corporation (“Intel”), under the Court’s June 7, 2013 Claim Construction Order, Dkt. No. 529, Microlinc will not be able to advance a theory of infringement against Intel. However, Microlinc and Intel have determined that further litigation, including any appeals, would be time consuming, protracted, uncertain, and expensive. Microlinc and Intel have agreed to settle and compromise all their claims and counterclaims between each other in the above-captioned action. Pursuant to its agreement with Intel, Microlinc hereby withdraws all infringement contentions, against any defendant, that are based on Intel processors, chipsets, or other products. Thus, any systems identified in Microlinc’s Infringement Contentions as including an Intel processor are no longer accused.

Given the earlier settlement and compromise between Microlinc and AMD, Dkt. Nos. 449 and 460, Microlinc, Intel, Acer Inc., Acer America Corporation, Apple Inc., Dell Inc., Gateway, Inc., Hewlett-Packard Company, Lenovo (United States) Inc., Sony Corporation of America, Sony Electronics, Inc., Toshiba Corporation and Toshiba America Information

Systems, Inc. (collectively “Customer Defendants”) agree that the claims and counterclaims of Microlinc, Intel, and the Customer Defendants should be dismissed and the action should be terminated with respect to those defendants.

Therefore, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Microlinc, Intel, and the Customer Defendants hereby stipulate: to dismiss with prejudice Microlinc’s claims against Intel, Intel’s counterclaims against Microlinc, and Microlinc’s claims against the Customer Defendants; to dismiss as moot the Customer Defendants’ non-infringement declaratory judgment counterclaims; and to dismiss without prejudice the Customer Defendants’ invalidity and unenforceability declaratory judgment counterclaims against Microlinc, and to terminate the action with respect to Intel and the Customer Defendants. The parties further stipulate that all costs and expenses relating to the foregoing claims and counterclaims, including attorney and expert fees and expenses, must be borne solely by the party incurring same. The parties further agree not to appeal an order substantially in accordance with the terms of the Proposed Order that accompanies this motion. Accordingly, Microlinc, Intel and the Customer Defendants hereby respectfully move the court to enter the Proposed Order.

Dated: July 22, 2013

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on July 22, 2013 in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile on this same date.

/s/ Martin Goering